

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNIE AULT, *Individually and as Special Administrator of the Estate of Bryan W. Ault, deceased,*

Plaintiff,

Case No. 12-cv-833-JPG

vs.

SCHLUMBERGER, LTD., TRANSOCEAN, LTD, HARBINGER GROUP, INC., and BP, PLC.,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Johnnie Ault's and defendant Transocean Ltd.'s joint stipulation of dismissal without prejudice (Doc. 37) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that "a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared." Because plaintiff has an absolute right to dismiss this case pursuant to a stipulation under Rule 41(a)(1)(A)(ii), the Court finds that the claims against defendant Transocean Ltd., are **DISMISSED without prejudice**. The Court further **DENIES** defendant Transocean Ltd.'s motion to dismiss or alternatively for more definite statement (Doc. 29) as **MOOT**.

IT IS SO ORDERED.

DATED: November 20, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE